

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

To:

• see form PCT/ISA/220

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/JP2005/003818

International filing date (day/month/year)
28.02.2005

Priority date (day/month/year)
29.03.2004

International Patent Classification (IPC) or both national classification and IPC
G11B20/00, G11B20/12

Applicant
MATSUSHITA ELECTRIC INDUSTRIAL CO., LTD.

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☒ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



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10/585947

International application No.
PCT/JP2005/003818

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

AP20 Rec'd PCT/PTO 11 JUL 2006

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
☐ a sequence listing
☐ table(s) related to the sequence listing
 - b. format of material:
☐ in written format
☐ in computer readable form
 - c. time of filing/furnishing:
☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

Box No. II Priority

1. ☒ The validity of the priority claim has not been considered because the International Searching Authority does not have in its possession a copy of the earlier application whose priority has been claimed or, where required, a translation of that earlier application. This opinion has nevertheless been established on the assumption that the relevant date (Rules 43bis.1 and 64.1) is the claimed priority date.
2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43bis.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.
3. Additional observations, if necessary:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/JP2005/003818

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	4-10, 14-18
	No: Claims	1-3, 11-13, 19, 20
Inventive step (IS)	Yes: Claims	4-10, 16-18
	No: Claims	1-3, 11-16
Industrial applicability (IA)	Yes: Claims	1-20
	No: Claims	

2. Citations and explanations

see separate sheet

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING
AUTHORITY (SEPARATE SHEET)**

International application No.

PCT/JP2005/003818

Re Item V

**Reasoned statement with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement**

1. Reference is made to the following documents:

- D1:** EP-A-1 067 789 (MATSUSHITA ELECTRIC INDUSTRIAL CO., LTD) 10 January 2001 (2001-01-10)
- D2:** EP-A-0 924 930 (HITACHI, LTD) 23 June 1999 (1999-06-23)
- D3:** EP-A-1 096 499 (SONY CORPORATION) 2 May 2001 (2001-05-02)

2. The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of independent claims 1, 11, 13, and 19 is not new in the sense of Art.33(2) PCT, and because the subject-matter of independent claims 12 and 20 is not inventive in the sense of Art.33(3) PCT.

2.1 Document **D1** discloses a content transmitting apparatus ("*optical disc recorder/player 1*" in Fig.10) which transmits content that is digital copyrighted work (par.117: "[...] receives a digital AV signal [...] and outputs it to a device [...] based on the CCI"; the acronym "CCI" denotes "Copy Control Information", see par.70) including a plurality of content blocks (Video Object Units "VOBU#1" to "VOBU#M" in Fig.3, which together constitute Video Object "M_VOB#2"), the apparatus comprising a synchronous transmitting unit ("*data transfer unit 83*" in Fig.10) operable to repeat transmitting, for each of the plurality of content blocks (each of the Video Object Units "VOBU#1" to "VOBU#M" contains a Control Pack: see col.8, ll.8-10, and see also the Control Pack "C_PCK" in Fig.3), in parallel with said each of the content blocks (the broad and potentially misleading formulation of claim 1, "*to repeat transmitting [...] in parallel*", can be construed to relate specifically to *multiplexing*, see p.10, ll.6-14, of the present application; multiplexing is also disclosed **D1**, see e.g. the Control Pack "C_PCK" in Fig.3), copy control information indicating copy permission of the content ("CCI": pars.83,84), content identification information identifying the content ("*stream ID*": par.68), and content status information indicating status of said each of the content blocks in the overall content ("*DCI_CCI_Status information*": par.70).

Therefore the subject-matter of independent claim 1 is not new.

2.2 Document **D2** discloses a content receiving apparatus (Fig.4) which receives, from outside, content that is digital copyrighted work ("*digital broadcasting signal sent by a broadcasting station*": par.31) including a plurality of content blocks (MPEG2 transport stream including packets: Figs.5A, 5B), and records the content into a recording medium (magnetic tape 106 in Fig.4), wherein the plurality of content blocks are sequentially transmitted (Fig.5A), each of said content blocks being accompanied by copy control information indicating copy permission of the content (Fig.5C; the document suggests that the copy control information is present in all packets: col.8, ll.28-35), content identification information identifying the content (packet identification, PID, which is stored in the packet headers: col.8, ll.24-28), and content status information indicating a status of said each of the content blocks in the overall content (the PID also indicates the status of a packet in the sense that it provides the information whether the packet contains audio or video data: par.36), the content receiving apparatus comprising

- (a) a receiving unit (digital broadcast receiver 200 in Fig.4) operable to receive said each of the content blocks, the copy control information, the content identification information and the content status information,
- (b) a recording unit (recording/reproducing unit 100 in Fig.4) operable to record the content indicated by the content identification information into the recording medium based on the content status information within a range that does not exceed the copy permission number, in the case where the copy control information indicates that the copy permission number is limited (par.54).

Therefore the subject-matter of independent claim 13 is not new.

2.3 Independent claims 11 and 19 mirror the features of claims 1 and 13 in terms of method steps. Therefore their subject-matter is not new either, *mutatis mutandis*.

2.4 Independent claims 12 and 20 mirror the features of claims 1 and 13 in terms of program steps. Implementing known subject-matter as a program is an option that is obvious to the person skilled in the art. Therefore the subject-matter of claims 12 and

- 20 is not inventive.
- 3. Dependent claims 2, 3, 14, and 15 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and inventive step:
 - (a) claim 2: the apparatus of **D1** judges whether the content to be transmitted is associated with a copy permission number (par.117: *"outputting based on the CCI"*). It is noted that Fig.4 of the present application might potentially be understood as indicating that the apparatus will not send the content status information unless the content is judged as being associated with a copy permission number. However, the present scope of claim 2 also covers apparatuses that send the content status information in any case, i.e. regardless of the judgement made by the judging unit. Therefore the subject-matter of claim 2 is not new given the disclosure of document **D1**.
 - (b) claim 3: the apparatus of **D1** comprises a read-out unit (drive 1408 in Fig.21) to read all information to be transmitted from a recording medium (DVD-RAM). Therefore the subject-matter of claim 3 is not new.
 - (c) claims 14, 15: the idea that a recorder stores copy counters, and that copying a content triggers the incrementation of the respective counter, is well known in the field (see e.g. **D3**, Fig.25). The person skilled in the art would apply it to the apparatus of **D2** without any inventive skill. Therefore the subject-matter of claims 14-15 is not inventive.
- 4. The combination of the features of dependent claims 4-10, and 16-18 appears to be neither known from, nor rendered obvious by, the available prior art.